

**James Madison to Thomas Jefferson, August 3, 1809. Transcription: The Writings of James Madison, ed. Gaillard Hunt. New York: G.P. Putnam's Sons, 1900-1910.**

**TO THOMAS JEFFERSON. MAD. MSS.**

Montpellier, Aug. 3, 1809.

Dear Sir, —Herewith you will receive a packet, which being wrapt up in a large one for me, from the Dept of State, was taken out of the mail yesterday, and not observed before the rider had set out.

I find myself under the mortifying necessity of setting out to-morrow morning for Washington. The intricate state of our affairs with England, produced by the mixture of fraud and folly in her late conduct, and the important questions to be decided as to the legal effect of the failure of the arrangement of April on our commercial relations with her, are thought by the Heads of Dept to require that I should join them.<sup>1</sup> The main question is, whether the non-intercourse

<sup>1</sup> Erskine wrote to Secretary Smith:

“ Washington July 31st, 1809.

“ Sir,

“I have the Honor to inclose to you a Copy of an Order, which was passed by His Majesty in Council on the 24th of May last.

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“In communicating this Order, it is with the deepest Regret that I have to inform you that His Majesty has not thought proper to confirm the late provisional Agreement which I had entered into with you on the part of our respective Governments.

“Neither the present time, nor the occasion will afford me a favourable Opportunity for explaining to you the Grounds and Reasons upon which I conceived I had conformed to His Majesty's Wishes; and to the Spirit, at least, of my Instructions upon that Subject—nor, indeed, would any vindication of my Conduct, (whatever I may have to offer) be of any Importance further than as it might tend to shew that no Intention existed on my part to practice any Deception towards the Government of the United States.

“I have the Satisfaction, however, to call your Attention to that part of the inclosed Order, which protects the Commerce and Shipping of the United States, from the Injury and Inconveniences, which might have arisen to American Citizens from a reliance on the provisional Agreement beforementioned; and I cannot but cherish a Hope that no further bad Consequences may result from an Arrangement, which I had fully believed would have met with His Majesty's Approbation, and would have led to a complete and cordial Understanding, between the two Countries.

“With Sentiments of the highest Respect and Consideration,

“I have the honor” &c.— *D. of S. MSS. Notes.*

act, as continued at the last session, comes

into force agst England, thereby putting her on the same footing with France.

You will see by the instructions to Erskine, as published by Canning, that the latter was as much determined that there should be no adjustment as the former was that there should be one. There must, however, have been other instructions, comprehending the case of the Chesapeake, and other communications from Canning accompanying the British

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orders of Apl 26, as referred to in Erskine's quieting declaration last made to Mr. Smith. I believe, also, that Erskine's letter to Canning, not disclosed by the latter, will not warrant his ascribing to Erskine the statement of conversations with Mr. G[allatin], Mr. S[mith], and myself. Pinkney will also disavow what Canning has put into his mouth.

I presume, from letters which reached me yesterday, that Mr. Smith has communications from Paris as late as the 10 or 12 of June; whether by the return of Mr. Coles or another conveyance is uncertain. The disavowal in, England reached Paris the day after the arrival of the arrangemt transmitted by Mr. Gelston. Our affairs with France had taken no decided turn; owing, as *alleged* , to the absence and occupation of the Emperor. The return of Gelston will probably put us in possession of a final estimate.

Accept my sincerest respect & attacht.